

# On the Ethics of Military Intervention

[Unpublished]

## *Ethics in General*

What ought to be the ethics of international intervention such that it is consistent with general precepts of human morality and politics? My purpose here is to provide a reasonably extensive sketch of an answer to this question without dealing with every relevant issue in depth.

The first point to make, though plain enough, is still controversial. It is that ethics is only possible if human beings possess free will -- "ought" implies "can."<sup>1</sup> It is one of the tragedies and confusions of our age that while much effort is spent on considering -- indeed, often obsessing about -- what we ought to and ought not to do, individually and collectively, the basic conception of human nature many of us embrace makes the issue entirely moot.<sup>2</sup> We tend to prefer to explain human behavior by reference to causes or variables and deny persons the capacity to make basic choices. Instead everyone is addicted, victimized, determined to do those and be that by factors other than his or her own free will. Such a view is incompatible with ethical considerations.

Second, when we consider ethics, I believe we are essentially involved in answering a question that everyone asks, either explicitly or implicitly, namely, "How should I act?" or "How should I live?" or "What standards should guide my conduct?" An ethical theory is a systematic answer to this question, one that we all answer somewhat *ad hoc*, as per our common sense, all the time.

In this respect ethics is not that different from other disciplines in which we have initial, approximate answers to our questions. The difference is that not many of us ask those questions -- e.g., about physics, chemistry, biology, sociology, etc. But ethics concerns us all, just as human beings. And ethical theory is of universal human concern. So the most basic answer to its question must apply to us all, just in relationship to living a human life. The various ethical theories, such as hedonism, utilitarianism, egoism, altruism, Kantian ethics, Aristotelian ethics, etc., etc., are our more focused, systematic answers to the question that gives rise to ethics.

## *Role Ethics*

But we can also focus our ethical concerns on special roles we play in our lives -- as parents, friends, colleagues, professionals, citizens, athletes, etc. Thus ethics divides into role ethics or the ethics of different human endeavors. But being a parent or a friend or someone with a profession or role in life narrows the focus. These different endeavors spell out in more specific terms what it means to live for a human beings and thus provides ethical theories with more content than

they otherwise possess. Just living a human life is a very general, broad task with few specifics and much diversity based on the equally essential element of the individuality as well as the specialization of such a life.

Nevertheless, at no point would the specifics of a role a human being may have assumed in life justify contradicting the general theory that best addresses the question that gives ethics its function in the first place. Thus the ethics of being a parent would not ever come into conflict with ethics as such -- any more than the physics of light or electrons would ever be in conflict with physics as such. This is a metaphysical matter that pervades all of existence, not excluding ethics -- no contradictions can exist.

It may appear otherwise, of course. Some roles we assume in life, e.g., that of the soldier or the spy, seem to require conduct from us that conflicts with morality. A soldier must at times kill, a spy must lie, etc., etc. Indeed, in most roles and professions we seem to overemphasize some objectives, and thus the virtues and vices relevant to it, at least temporarily. But the reason it appears that these roles contradict morality is that morality is often regarded in a loose, unsystematic fashion and the virtues subsumed under ordinary morality are not ranked in any order. A precise ordering or ranking of the virtues is not needed until we find different moral principles in conflict -- loyalty to friends with honesty, charity with justice, justice with generosity, courage with prudence, etc. It is the function of theories to set priorities, to rank the virtues from the most to the least significant. Thus a spy might be justified in lying, if the protection of the society that he or she serves requires this, that is, if justice demands it. A soldier may need to hurt others so as to uphold justice; a person in business may carry on prudently and not address problems of justice or fairness, because of the focus of his or her profession. A soldier may stress courage but not charity. And so forth. This need for rigor only arises when we face serious conflicts, and the problem isn't that different in other disciplines: we are able to get by with amateurish physics, chemistry, history and law until we meet up with contradictions, dilemmas, etc. Then the need for greater rigor arises.

The major problem with professional ethics, such as business, military, medical, legal or educational ethics, is that these are rarely placed within the framework of a larger ethical system. In our time when intuitionism is so prominent, this is especially troubling. Just as with the ethics of medicine or police work, so with the ethics of the military profession, we are dealing with fields of human activity often focused on extreme circumstances, emergencies. That will itself bear on the nature of the special ethics. Yet even here it is vital that the ranking achieved by the general ethical theory be kept clearly in mind. Without it, we must become confused.<sup>3</sup>

## ***Military Professional Ethics***

Let me now turn to the question on which we are focusing here. What are the ethical and political guidelines that govern international military intervention? Since we are ultimately inquiring about how human beings ought to act toward one another, we can begin the inquiry at the level of social ethics, that is, based on how we ought to interact with our fellow human beings, in this instance, strangers (in contrast to next of kin or friends). The basic answer to that question is to be found in the theory of individual rights.

When human beings who aren't intimates of one another interact, their central guiding principle depends on what kind of beings they are. Since human beings are moral agents, the first thing to consider about them is whether interacting with them intrudes upon them as choice making, moral agents. For morality requires, first and foremost, a sphere of personal jurisdiction.

At this point someone might think we are far indeed from issues concerning international intervention, yet that would be a mistake. Indeed, the notion of (peaceful) national self-determination<sup>4</sup> is entirely dependent, normatively, on the fact that individual human beings are moral agents in need of a sphere of personal jurisdiction that makes their self-determination possible. Nations aren't moral agents. The call for (peaceful) national self-determination must, therefore, be understood as the call for the (peaceful) personal self-determination of members of a given community.

From this it follows, almost directly, that if a nation is such that its self-determination is indeed that of the combined self-determinations of its citizenry, any intervention in its affairs would be no different from interfering with an individual who has embarked on self-determination without violating the personal spheres of others. Interaction with the people of such a nation may only be on peaceful terms, voluntarily agreed to by all parties.

A fairly easy issue is when a nation abandons self-determination and embarks upon determining the affairs of others who have not given their consent to this policy. Thus when a nation attempts to aggress upon another, interaction with it should follow the ethics of self-defense. Whatever is needed to repel the aggressor is ethically permitted, indeed, often required. People have not only the right but the responsibility to defend themselves unless this would produce worse results for them than the aggression itself.

## ***Military Ethical Muddles***

The difficulty begins when the following sorts of situations obtain: (A) a nation aggresses upon another which is unable to defend itself and calls upon yet another nation to lend support to its defense. (B) A nation does not actually

practice self-determination but exhibits some form of tyranny, whereby some members of the nation prevent others from engaging in self-determination.

In (A), involving international aggression, it makes no difference whether the country is itself self-determined or a tyranny, for its aggression is unjustified in either case. Thus if a county of citizens with a given religious, ethnic or cultural tradition is completely united in its efforts to subdue another country, the culprit is simple to identify. Sometimes, however, a country may take military action against another when either (1) both internally violate the principle of self-determination (i.e., both are more or less severe tyrannies), or (2) one is a truly self-determined county but the target is not.

In (1) there is no question that lending a hand to that country would be wrong, unless the disparity of tyrannies is very significant (i.e., when the lesser of the two evil countries is significantly better). In (2) the question centers on whether the tyranny is powerful enough to resist the justified intervention (e. g., in support of liberating the tyrannized among the citizenry) and whether the aid is promised in the first place (by some military agreement).

In (B), involving *intra*-national oppression and injustice, we face the case we might examine at the micro level as follows: Suppose someone A, has legitimately contracted<sup>5</sup> his or her security services to party P, and in the course of performing those services one notices that another party, C, is aggressing upon yet another party, D. Should A go to the aid of D? No, unless this does not interfere with the performance of the original contract between A and P and does not establish a precedent or a long term commitment that would distract from the original commitment.

We have now come upon the situation faced by not only the United States military but all military forces that embark upon operations abroad that do not involve national security. It is often proposed that such a force ought to provide security services to parties who are in legitimate need of it, i.e., in whose behalf offering such services would be ethically justified. But is this ethically required?

Let us keep in mind that when we are discussing what ought to be done, in fact the issues is what some agents ought to do. So the issue of what ought to be done cannot be divorced from who it is who ought to do what is supposed to be done. For our purposes this means that no military action is justified unless the military force in question provides its security services to those to whom it has the primary (contractual, constitutional) responsibility to do so.

For practical purposes, as things stand in our world now, most altercations between nations or countries are, in fact, muddled with histories of misconduct by the people involved on all sides. Even were this is not the case, a military force has as its central purpose to stand ready to defend the citizens of the country

which it serves – it is no accident that the military is often referred to as “the service.”

Inasmuch as embarking on security missions elsewhere would distract from that commitment and/or involve it in commitments that would conflict with it, the military, assuming for this argument that it is a perfectly legitimate institution, ought not to embark upon interventions abroad.

There is one point to be added to this very brief discussion: Most nations forbid private citizens from embarking on military missions abroad. Yet this policy could only be justified if such missions are directed against the country itself, otherwise the policy is morally wrong and should be abandoned. Once that policy is abandoned, the task of going to the aid of foreign causes would no longer need to be laid at the feet of military forces but could enlist the support of citizens who do not have prior military commitments and would not jeopardize these in the effort to lend a hand.

## Endnotes:

---

<sup>1</sup> See, however, John Kekes, "'Ought Implies Can' and Kinds of Morality," *Philosophical Quarterly* 34 (1984): 460--67, *Facing Evil* (Princeton, NJ: Princeton University Press, 1991), and "Freedom," *Pacific Philosophical Quarterly* 61 (1980): 368--85. Kekes claims this connection between free will and morality does not hold because we are sometimes regretful of conduct we had no way of avoiding. But he rests too much weight on what could be explained by reference to our propensity to harbor false guilt. I discuss Kekes' argument in Tibor R. Machan, "Applied Ethics and Free Will," *Journal of Applied Philosophy*, Vol. 10 (1993), pp. 59-72.

<sup>2</sup> One need but think of crime, drug abuse, environmental degradation, political corruption, child molestation, yellow journalism, sexism, racism, bigotry, medical malpractice and the rest to appreciate how pervasive moralizing is in our time. At the same time, all the excuses or explanations given for why we cannot help ourselves – how we were treated as children, our genes drives us to act as we do, our cultural and ethnic origins determine our behavior, and so forth -- testify to the sort of thinking that renders ethical and legal personal responsibility irrelevant.

<sup>3</sup> I develop the general points about professional ethics in Tibor R. Machan, "Ethics and its Uses," in T. R. Machan, ed., *Commerce and Morality* (Lanham, MD: Rowman and Littlefield, 1988), and op. cit., Machan, "Applied Ethics and Free Will."

<sup>4</sup> The qualifier "peaceful" should be superfluous because by "self-determination" we can logically only mean determination of the conduct of oneself, not that of others.

<sup>5</sup> It is given that one is not justified in contracting to another with a service that is itself a violation of the rights of a third party. Thus Mafia "contracts" are a sham.